



ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

11 October 15, 2013

Sachi A. Hamai
SACHI A. HAMAI
EXECUTIVE OFFICER

**Los Angeles County
Board of Supervisors**

October 08, 2013

Gloria Molina
First District

Mark Ridley-Thomas
Second District

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Third District

Don Knabe
Fourth District

Michael D. Antonovich
Fifth District

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**APPROVAL OF ORDINANCE TO THE COUNTY CODE, TITLE 2 –
ADMINISTRATION OF THE LOS ANGELES COUNTY CODE, CHAPTER 2
(ALL SUPERVISORIAL DISTRICTS)
(3 VOTES)**

Mitchell H. Katz, M.D.
Director

Hal F. Yee, Jr., M.D., Ph.D.
Chief Medical Officer

Christina Ghaly, M.D.
Deputy Director, Strategic Planning

SUBJECT

313 N. Figueroa Street, Suite 912
Los Angeles, CA 90012

Tel: (213)240-8101
Fax: (213) 481-0503

www.dhs.lacounty.gov

Request approval of an ordinance to amend the County Code, Title 2 – Administration of the Los Angeles County Code, Chapter 2 to authorize the Director of Health Services or the Medical Director of the Emergency Medical Services Agency, through the Director of Health Services, to request the issuance of subpoenas when appropriate pursuant to State law.

To ensure access to high-quality,
patient-centered, cost-effective health
care to Los Angeles County residents
through direct services at DHS facilities
and through collaboration with
community and university partners.

IT IS RECOMMENDED THAT THE BOARD:

Approve and adopt the attached ordinance (Exhibit I) to amend Title 2 – Administration of the Los Angeles County Code, Chapter 2, to add Section 2.76.042 to authorize the Director of Health Services (Director) or the Medical Director of the Emergency Medical Services (EMS) Agency, through the Director, to request the issuance of subpoenas when appropriate pursuant to State law.



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PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Under the authority granted by Title 22, Division 9 of the California Code of Regulations, California Health and Safety Code Division 2.5, and Los Angeles County Code, Title 7, Business Licenses, the EMS Agency is responsible for prospective, concurrent and retrospective medical management of the EMS system in the County of Los Angeles.

Pursuant to fulfilling its responsibility the EMS Agency reviews incidents or allegations of possible or actual patient neglect or mistreatment by prehospital care providers. When preliminary findings indicate disciplinary action against a certified or licensed person or provider may be warranted, a formal investigation is initiated under the purview of the EMS Agency Medical Director.

Approval of the recommended action will allow the Director and the EMS Medical Director to request the issuance of subpoenas, when appropriate pursuant to State law, in order for the EMS Agency to obtain the documents necessary to thoroughly investigate prehospital care providers and ensure effective and efficient medical management of the EMS System. Currently DHS has no authority to issue subpoenas.

Implementation of Strategic Plan Goals

The recommended action supports Goal 1, Operational Effectiveness, of the County's Strategic Plan.

FISCAL IMPACT/FINANCING

DHS anticipates requesting the issuance of an estimated 16 subpoenas per year at an estimated cost of \$100,000. Service costs will be based on type of subpoena, i.e., personal appearance or relevant records. Funding is included in Health Services Administration's Fiscal Year (FY) 2013-14 Adopted Budget and will be requested as continuing appropriation in future FY as necessary.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Although the investigative process and disciplinary guidelines are stipulated in the State regulations and EMS Agency policy, the EMS Agency has been denied access to some records without a subpoena.

For purposes of conducting investigations, the EMS Agency is not legally authorized to issue subpoenas. Subpoenas will be drafted by the EMS Agency and submitted to County Counsel for review and approval prior to submittal to the Board's Executive Office for processing. Following issuance of a subpoena by the Board's Executive Office, and working in conjunction with County Counsel, the EMS Agency will make arrangements to serve the appropriate party.

County Counsel has reviewed and approved Exhibit I.

CONTRACTING PROCESS

Not applicable.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

The amended Ordinance will expand the Director's authority to allow for the issuance of subpoenas for documents necessary to conduct thorough investigations of incidents or allegations of possible or actual patient neglect or mistreatment by prehospital care providers.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mitchell Katz". The signature is fluid and cursive, with the first name "Mitchell" written in a larger, more prominent script than the last name "Katz".

Mitchell H. Katz, M.D.

Director

MHK:rg

Enclosures

c: Chief Executive Office
County Counsel
Executive Office, Board of Supervisors

ANALYSIS

This ordinance amends Title 2 – Administration of the Los Angeles County Code, Chapter 2 by adding Section 2.76.042, relating to the authority of the Director or the Medical Director of the emergency medical services agency, through the Director of Health Services, to request the issuance of subpoenas, when appropriate pursuant to State law.

JOHN F. KRATTLI
County Counsel

By


MAYA LEE
Deputy County Counsel
Health Services Division

ML:bo

Requested: 11/22/11
Revised: 10/9/12

ORDINANCE NO. _____

An ordinance amending Title 2 - Administration of the Los Angeles County Code, relating to the authority of the Director or the Medical Director of the emergency medical services agency, through the Director of Health Services, to request the issuance of subpoenas when appropriate pursuant to State Law.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Section 2.76.042 is hereby added to read as follows:

2.76.042 Authority to request issuance of subpoena by Clerk of the Board.

The Director or Medical Director of the local emergency medical services agency, through the Director of Health Services, may, when appropriate, request the issuance of a subpoena by the Clerk of the Board of Supervisors requiring the production of oral and/or documentary evidence which is reasonably necessary to allow them to discharge the duties and responsibilities set forth in Division 2.5 of the Health and Safety Code. Subpoenas shall be issued, served, and return made thereon as provided in Government Code Sections 25170 - 25176.

[276042MLCC]